

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MISSOURI PRIMATE FOUNDATION,	)	
CONNIE BRAUN CASEY, individually,	)	
ANDREW SAWYER, individually,	)	
and JANE DOE 2,	)	
	)	
Plaintiffs and Counterclaim	)	
Defendants	)	
	)	
vs.	)	No. 4:16-cv-02163
	)	
PEOPLE FOR THE ETHICAL	)	
TREATMENT OF ANIMALS, INC. and	)	
ANGELA SCOTT a/k/a ANGELA	)	
G. CAGNASSO, individually,	)	
	)	
Defendants and Counterclaim	)	
Plaintiffs.	)	

**PLAINTIFFS/COUNTERCLAIM DEFENDANTS' MOTION TO DISMISS**

Plaintiffs/Counterclaim Defendants Missouri Primate Foundation, Connie Braun Casey, Andrew Sawyer and Jane Doe 2 (“Plaintiffs” or “Counterclaim Defendants”), pursuant to Fed. R. Civ. Pro. 12(b)(1) and (6), move to dismiss Defendants/Counterclaim Plaintiffs’ (“Defendants” or “Counterclaim Plaintiffs”) Counterclaim on the following basis:

1. Defendants lack standing and cannot state a claim to pursue enforcement of alleged violations of the Animal Welfare Act.

2. Defendants were well-aware before they filed their counterclaim that Plaintiff Andrew Sawyer had already transferred a chimpanzee also known as Joey from the Missouri Primate Foundation and that his care and treatment at said facility was and is moot. Plaintiffs nevertheless included Mr. Sawyer and the chimpanzee Joey in their counterclaim. Plaintiffs’ claims related to Mr. Sawyer and Joey should be dismissed from this case.

WHEREFORE, Plaintiffs/Counterclaim Defendants Missouri Primate Foundation, Connie Braun Casey, Andrew Sawyer, and Jane Doe 2 respectfully request that Plaintiff's Counterclaim be dismissed.

Respectfully submitted,

**GOLDBERG SEGALLA LLP**

By: /s/ Kurtis B. Reeg  
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*Attorneys for Plaintiffs/Counterclaim Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2017, I electronically served the foregoing through filing it with the United States District Court – Eastern District of Missouri by using the CM/ECF system.

/s/ Kurtis B. Reeg